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**MAY 25 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Francesco De Rege Thesauro et al :  
Application No. 10/807,944 : DECISION GRANTING PETITION  
Filed: March 24, 2004 : UNDER 37 CFR 1.137(b)  
Attorney Docket No. 100209 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 1, 2007, to revive the above-identified application.

The petition is **GRANTED**.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Final Rejection of June 26, 2006 is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$2,160 extension of time submitted with the petition on February 1, 2007 was subsequent to the maximum extendable period for reply, petitioner may request a refund of

this fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 1765.

A handwritten signature in cursive script that reads "Karen Creasy".

Karen Creasy  
Petitions Examiner  
Office of Petitions